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**FEB 02 2010**

In re Application of :  
Thomas R. KOZEL et al. :  
Application No. 10/809,831 : DECISION ON PETITION  
Filed: March 26, 2004 :  
Attorney Docket No. 031673-003000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 09, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 09, 2009. Accordingly, the date of abandonment of this application is December 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755.00 and the publication fee of \$300.00, (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Publishing Division for processing into a patent.



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions